

A Historical Critique of John Rawls' *A Theory of Justice*:

Failure to Communicate the Tradition

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(translated from the german)

THE EXPECTATION OF ACTION AND THE PROBLEM

John Rawls' *A Theory of Justice* has attracted more attention in the Anglo-Saxon world than any work of its kind in a generation. Its vogue results from two facts: it is the most ambitious political project undertaken by a member of the school currently dominant in academic philosophy; and it offers not only a defense of, but also a new foundation for, a radical egalitarian interpretation of liberal democracy. 'In method and substance it fits the tastes of the times. Professor Rawls believes that he can provide persuasive principles of justice that possess the simplicity and force of older contract teachings, that satisfy utilitarianism's concern for the greatest number without neglecting the individual, that contain all the moral nobility of Kant's principles, that will result in a richness of life akin to that proposed by Aristotle, and that can accomplish all this without falling into the quagmires of traditional philosophy. This is a big book not only in the number of its pages, but in the magnitude of its claims, and it deserves to be measured by standards of a severity commensurate with its proportions.

Liberal democracy is in need of a defense or a rebirth if it is to survive. The practical challenges to it over the last forty years have been extreme, while the thought that underlies it has become incredible to most men living in liberal democracies. Historicism, cultural relativism, and the fact-value distinction have eroded the bases of conviction that this regime is good or just, that reason can support its claims to our allegiance. Hardly anyone would be willing to defend as truth the natural-right teachings of the founders of liberal democracy or of their philosophic masters, as many, for example, defend Marx. The state of nature and the natural rights deriving from it have taken their place beside the divine right of kings in the graveyard of history. They are understood to be myths or ideologies of ruling classes. One need only recall the vitality of the thought of liberal democracy's great opponents, Marx and Nietzsche, and reflect on the absence of comparable proponents to recognize the magnitude of the crisis. A renewal in the light of these challenges, theoretical and practical, is clearly of the first importance.

But, disappointingly, *A Theory of Justice* does not even manifest an awareness of this need, let alone respond to it. In spite of its radical egalitarianism, it is not a radical book. Its horizon does not seem to extend to the abysses which we have experienced in our own lifetimes; the horrors of Hitler and Stalin do not present a special or new problem for Rawls. Rather, his book is a correction of utilitarianism; his consciousness is American, or at most, Anglo-Saxon. The problems he addresses are those of civil liberties in nations that are already free and of the distribution of wealth in those that are already prosperous. The discussion is redolent of that hope and expectation for the future of democracy that characterized the late nineteenth and early twentieth centuries, forgetful of

the harsh deeds that preceded it and made it possible, without anticipation of the barbarism that was to succeed it.

Just as the political concern which appears to motivate Rawls is narrow and thin, so is his view of the theoretical problems facing anyone who wishes to accomplish what he proposes to accomplish. Simply, historicism, whether that of Marx or that of Nietzsche and the Existentialists, has made it questionable whether an undertaking such as Rawls's is possible at all; yet he does not address himself to these thinkers. He takes it for granted that they are wrong, that they must pass before his tribunal, not he before theirs. Marx is not treated, and Nietzsche is quickly dispatched, improbably, as a *teleologist*. I am aware that it is not Rawls's intention to write a history of political philosophy, and it is not incumbent on him to present a critique of Marx and Nietzsche. But the issues raised by Marx and Nietzsche must be dealt with if Rawls is to be persuasive at all. If liberal democracy is just a stage on the way to another kind of society, then Rawls is merely an ephemeral ideologist. And if rational determination of values is in the decisive sense impossible, then Rawls is only a deluded myth-maker. He supposes that his method makes a detour around these roadblocks, that there is no need to discuss nature and history. Throughout this book one wonders about the status of Rawls's teaching. Is it meant to be a permanent statement about the nature of political things, or just a collection of opinions that he finds satisfying and hopes will be satisfying to others? One finds no reflection on how Rawls is able to break out of the bonds of the historical or cultural determinism he appears to accept, and no reflection on how philosophy is possible within such limits or what it means to be a philosopher. Is he a seeker after the truth or only the spokesman for a certain historical consciousness?

What Rawls explicitly undertakes to do is to provide principles for our preexisting moral sense, to elaborate the implications of our institutions or convictions, to tell us what we mean when we speak of justice, to find a basis of agreement among our contemporaries. He believes that there is a *via media* between subjectivity pure and simple and telling us what the world is really like. But, again, the question always present is whether that moral sense is anything other than a mere preference, one conditioned by our time and place. Rawls takes it for granted that we are all egalitarians. Aristocratic teachings are inadmissible, but it is not clear whether this is because they are based on an untrue understanding or because we do not like them any longer. Conversely, it is unclear whether our egalitarianism is a result of the revelation of the fact of men's equality or whether it is just what we happen to like today.

Rawls thinks that his procedure is Socratic. Socrates, however, did not begin from sentiments or intuitions but from opinions; all opinions are understood by Socrates to be inadequate perceptions of being; the examination of opinions proves them to be self-contradictory and points

toward a non-contradictory view which is adequate to being and can be called knowledge. If opinion cannot be converted into knowledge, then the rational examination of opinions about justice, let alone of senses about justice, is of no avail in establishing principles according to which we should live. It is even questionable whether such examination is of any use at all. Rawls begins with our moral sense, develops the principles which accord with it, and then sees whether we are satisfied with the results; the principles depend on our moral sense and that moral sense on the principles. We are not forced to leave our conventional lives nor compelled, by the very power of being, to move toward a true and natural life. We start from what we are now and end there, since there is nothing beyond us. At best Rawls will help us to be more consistent, if that is an advantage. The distinctions between opinion and knowledge, and between appearance and reality, which made philosophy possible and needful, disappear. Rawls speaks to an audience of the persuaded, excluding not only those who have different sentiments but those who cannot be satisfied by sentiment alone.

Thus those who turn to Rawls hoping to find a reasoned statement of the superiority of liberal democracy to the other possibilities or a defense of the rationalist tradition of political philosophy will not find what they are looking for. They will find reassurance that their sentiments are sufficient, that they need not enter the disputes of the philosophers; they will be made to feel at home rather than made to long for distant worlds; they will be nudged in the direction of more reform and tolerance in accordance with the prevailing tendency of our times; and they will be given a platform that would appeal to the typical liberal in Anglo-Saxon countries — democracy plus the welfare state — leaving open whether capitalism or socialism is the most efficient economic form (so that one did not have to be a cold warrior); maximum individual freedom combined with community (just what is wanted by the New Left); defenses of civil disobedience and conscientious objection (the civil rights and antiwar movements could find their satisfaction under Rawls's tent); and even a codicil that liberty may be abrogated in those places where the economic conditions do not permit of liberal democracy (thus saving the Third World nations from being called unjust). This correspondence, unique in the history of political philosophy, between what is wanted by many for current political practice and the conclusions of abstract, rigorous political philosophy would be most remarkable if one did not suspect that Rawls began from what is wanted here and now and then looked for the principles that would rationalize it.

JUSTICE AND THE ORIGINAL POSITION

A theory of justice must show what a decent regime is and what duties citizens owe to it. Rawls's problem is the classic one: what kind of a civil society would a reasonable man choose to live in and why should he obey its commands when they go against his grain? Rawls assumes that

there is a form of civil society that can reconcile public and private interest and hence that a true political philosophy is possible. He argues that the principle of utilitarianism—the greatest good of the greatest number—is the one generally accepted today and that it does not suffice. Out of the many possible criticisms of that principle he selects the one that it does not satisfy the demands of the few, in particular of the economically disadvantaged few. He accepts the utilitarian position that each individual's view of his good is his good and that it is the business of society to attempt to satisfy the individual to the extent the fulfillment of his wishes does not do harm to others and not to propose or impose a view of the good on the individual or to have a collective end. The objection to utilitarianism is that it does not insure consideration of each individual and that, in spite of its individualist basis, the disadvantaged are sacrificed on the altar of the collective. Rawls proposes a contract according to which every man gives his adherence to civil society only on condition that he be guaranteed certain minima which one might call rights. Such a contract serves to set the goals and limits of civil society, to prescribe duties to rulers and to motivate the citizens' adherence as well as to define their legitimate claims.

Although Rawls goes back in time to seek a model for his theory of justice, he brings a fresh set of concerns to the contract doctrine. It must somehow be transformed to accommodate sensibilities that have emerged historically out of utilitarianism and popular dissatisfaction with it. Men must have equal rights not only to "life, liberty, and the pursuit of happiness," but to the achievement of happiness. Inequalities, whether they stem from birth, fortune or nature, should be offensive to us. Thus to the familiar principle of liberal democracy that each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others, Rawls adds a second principle that all goods are to be equally distributed or, if unequally distributed, this unequal distribution must be agreed to be the advantage of all as measured by the desires of the least advantaged member of society. Rawls seeks a new morality which will constrain the advantaged to admit that the possession or use of their advantages depends upon the permission of an egalitarian society, one which will persuade the disadvantaged that whatever inequalities exist are to their advantage. Rawls's innovation is to incorporate the maxims of contemporary social welfare into the fundamental principles of political justice. Not only must material goods be provided to each citizen, but also an equal sense of his own worth, recognized by others; for, after all, man does not live on bread alone.

The disadvantaged or, to say what Rawls really means, the poor, must be listened to, not condescended to or told how they should live; and the attention paid them must be grounded on the most fundamental right which precedes institutions and in accordance with which institutions are formed. A man does not, as Plato said, have a right to what he can use well; or, as Locke said, to

that with which he has mixed his labor; or even, as Marx said, to what he needs; he has a right to what he thinks he needs in order to fulfill his “life plan,” whatever it may be. With respect to ends, government for Rawls must *laissez-faire*; with respect to the means to the ends, it must *beaucoup faire*.

Once Rawls has determined what is wanted, he seeks for a way of deriving or demonstrating his two principles of justice that will be persuasive and that will exclude conflicting principles. A contract made by all the future members of the new society to abide by these principles would fill the bill. But why would superior men agree to a contract that requires them to make sacrifices for the benefit of the disadvantaged? A common ground of advantage, more fundamental than any particular advantage, must be found in order to gain unanimous consent. This need for a common ground is the source of the elaborate construction of “the original position” which is the feature of this exceptionally complex book.

Every understanding of man must have some vision of the fundamental situation, free from the accidents and trivia which distract us from the one thing most needful, a situation in which a man can discern what really counts and on the basis of which serious human beings guide their lives. The Best Regime of Plato and Aristotle, the City of God of Augustine and the State of Nature of Hobbes, Locke, and Rousseau come immediately to mind as powerful alternatives according to which we are asked to take our bearings. Now comes Rawls’s “original position” which, if we are willing to assume it, will compel us to accept his two principles of justice and his version of society.

The “original position” amounts to something like this: Ask a man, any man, what kind of a society he would like to live in, assuming that he wants to live in a society. He would describe one that fulfilled his idea of the good, one that would make him happy. But he knows that the other men have different ideas of the good that conflict with his, so that it is unlikely that his idea will prevail; and even if it were to do so, those other men would be deprived of their happiness. If he were to imagine that he did not know what view of happiness, what “life plan,” he were going to have, but did know that he would have a “life plan,” what kind of society would he choose? In this case he would be choosing under what Rawls calls “the veil of ignorance.” Since there are many possible “life plans,” none belong to man as such; therefore, it is not unreasonable to assume that men in the original position do not know their goal but know only that they must have one. The different final goods cannot be reconciled, and it is undesirable that they be so. Inevitably, according to Rawls, a man in this situation would choose a liberal society, for at least he would be permitted to pursue his goal, if it did not do harm to others, whereas he would otherwise risk losing his happiness altogether. Better a little than nothing—so cautious calculation would seem to indicate. This

provides a ground for agreement among men who are similarly situated. They would accept Rawls's first principle of justice.

Further, although this man does not know the good, the final end, he knows that there are certain things that will contribute to the fulfillment of his life plan, no matter what its content. These things one can call primary goods, good because they serve whatever good is final. They are things like rights, liberties, birth, talent, position, wealth, a sense of one's own worth. Our typical man would want to have as much of these primary goods as possible. Some are natural and others are effects of social arrangements; but possessing them depends on chance. He would want a society which encourages the use of what nature gives and assures that he gets the most of what society can give. But, if the veil of ignorance descends again, he would opt for equality, since, given the fact of the relative scarcity of primary goods, he would be likely to have less rather than more of an unequal distribution. The natural primary goods he would choose to use and develop only insofar as they contribute to the happiness of all and they are harnessed by the institutions to that end. The social primary goods, like wealth, he would allow to be unequally distributed only to the extent that the least advantaged member of society, which he might be, would gain from that unequal distribution and could hope to improve his own situation thereby.

In this condition of ignorance, calculating men will agree to Rawls's second principle. A contract is made for mutual advantage on a basis of equality. This contract sets down the rules of the game; justice in a man is abiding by his agreements, keeping his word. Justice is fairness in the sense that it is only fair to abide by the results of a game the rules of which are seen to be reasonable and just, even though one might have wished for another result and would like to alter the rules for one's personal advantage. Rawls's recipe contains equal measures of selfish calculation in the original position and public spiritedness—in the form of fair play—after real social life has begun. A man cannot be expected to join a group in which his happiness is not promoted equally with that of others. A society which gives him that equality of treatment deserves his adherence. Once men are aware of the original position they will abandon their overreaching: they will recognize that there are no legitimate claims to special privilege and will be dissuaded from using the power deriving from any unequal possession of primary goods to command such privileges.

The "original position" is an imaginary foundation which Rawls wishes to insert beneath the real edifice of liberal society in order to justify that society. It is invented rather than discovered, and one may well doubt whether it is substantial enough to support such a structure.

THE "ORIGINAL POSITION" VERSUS THE STATE OF NATURE

In order to see the difficulties inherent in the "original position," it must be compared to the "state of nature" in the contract teachings of Hobbes, Locke, and Rousseau, for Rawls intends his

invention to play the same role in his presentation of justice as did the state of nature in theirs. And the change of name is indicative of the decisive difference in substance. Rawls banishes nature from human and political things. The state of nature was the result of a comprehensive reflection about the way all things really are. Hobbes, Locke, and Rousseau could not be content with a figment of the imagination as the basis for moral judgments. Nature is the permanent standard; what the good man and the good society are depends on human nature. The state of nature is the result of a specific understanding of nature founded on a criticism and a rejection of an older understanding of nature and its moral and political consequences. The state-of-nature theorists, therefore, agreed with Plato and Aristotle that the decisive issue is nature; they disagreed about what is natural. Metaphysics cannot be avoided. If there is to be political philosophy, they believed, man must have a nature, and it must be knowable. Rawls does not wish to enter into such disputes, the validity of which has once and for all been refuted by his school. And his political goals are furthered by the imperatives of his method, for he does not wish to accept the iron limits set by nature on the possibilities of transforming the human condition. Although he sometimes rests an argument on what he calls human nature, his thought is directed not only at overcoming those injustices which are against nature but at overcoming nature itself. He wants the advantages of the state-of-nature teaching without its (to him) unpleasant theoretical and practical consequences.

The state of nature presented a picture of man as he really is, divested of convention, accident, and illusion, a picture grounded on and consistent with the new science of nature. Man, according to the real contract theorists, is a being whose primary natural concern is to preserve himself, who enters into the contract of society because his life is threatened and he fears losing it. That fear is not an abstraction, a hypothesis, an imagination, but an experience, a powerful passion which accompanies men throughout their lives. This passion is sufficient to provide a selfish reason, a reason that men can be counted on having, for adherence to a civil society which is dedicated to preserving them. The conflict between particular interest and public good disappears. The reason why this passion is not ordinarily effective

enough to guarantee lawful behavior is that men in civil societies which protect them forget how essential that protection is. They get notions of self-sufficiency; they pursue glory; they break the law for their pleasures. And, above all, their religions persuade them that there are things more important than life or that there is another life, thus calming the fear of losing this one and encouraging disobedience to civil authority. The state of nature is intended to reveal the nullity or secondary character of these other passions and these hopes of avoiding the essential and permanent vulnerability of man. Death is the natural sanction for breaking the contract, and the state of nature shows both that this is so and that the goods which might conflict with desire for life are

insubstantial. The positive law is merely derivative from this sanction and gets its force from nature. The state of nature demonstrates that the positive goals of men which vary are not to be taken seriously in comparison with the negative fact on which all sensible men must agree, that death is terrible and must be avoided. They join civil society for protection from one another, and government's sole purpose is the establishment and maintenance of peace. This origin and end of civil society is common to the contract theories of Hobbes, Locke, and Rousseau in spite of their differences. And whether they believed the state of nature ever existed or not, it was meant to describe the reality underlying civil society. Man's unsocial nature and the selfish character of the passion that motivates men's adherence to civil society limit the possible and legitimate functions of that society.

Now, Rawls's "original position" fails to achieve what the state of nature teaching achieved. Apart from the fact that there is nothing in the original position that corresponds to any man's real experience, the fear of death disappears as the motive for joining civil society and accepting its rules. Rawls is very vague about the reasons for joining civil society and, because he does not want to commit himself to any view of man's nature, it cannot be determined whether the attachment to society—attachment in the sense of obeying its laws—is really so important for a man in fulfilling himself. With the disappearance of the fear of death as the primary motive, the sanction for breaking the contract also disappears. In civil society contracts are protected by the positive law and the punishment it can inflict. Prior to civil society, there must be a natural punishment or none at all. A man whose desires or view of happiness urge him to break a contract that has no sanctions, no authority, would be foolish not to do so. After all, life is not a game. He exists naturally, while civil society is merely conventional. Either there is some essential harmony between private and public good or there is none. If there is none, on what basis can one arbitrate between the two? Rawls does not provide a basis for the reconciliation or anything more than a sermonizing argument for the nobility of sacrifice to the public good.

What Rawls gives us in the place of fear is fairness. But that is merely the invention of a principle to supply a missing link. Why should fairness have primacy over the desire for self-fulfillment? Once we leave the "original position" and the "veil of ignorance" drops, the motive for compliance falls away with it. When we leave the state of nature, the passions found there remain with us and provide powerful reminders of that earlier state and our reasons for preferring the civil one. But the original position is a bloodless abstraction which gives us no such permanent motive. Fairness is a reasonable choice of enlightened self-interest only in the original position. Fairness as something more, as choice worthy for its own sake, cannot be derived from the original position. It is a tattered fragment of an earlier tradition which argued that man is naturally political and that the

practice of justice will make a man happy. The state of nature begins from the natural isolation of man and teaches that society and its justice are good only as means to an end. The natural sociality of man is inconsistent with individualism or anything like the freedom of choice among ends which Rawls wishes to preserve, or the notion that man's relation to society is in any way contractual. It requires a rigorous subordination of particularity to the community and all the harder virtues of self-restraint about which Rawls never speaks. He is an individualist, but he does not wish to accept the harsh practical and theoretical consequences of that individualism. In order to pose the issue clearly he would have to confront the views of human nature underlying the contract teaching with those that assert that man is by nature a political animal. Fairness simply does not cohere with his shrewd, calculating individual in the original position.

Rawls's egalitarianism is similarly without foundation, for he does not want to accept the low common denominator of the true state of nature theory. He wants an equality which extends beyond mere life to all the things social men care about. All men, no matter what their qualities of mind or body, no matter what their virtues or their contributions, must have a legitimate claim to all goods natural and social, and society's primary concern must be to honor that claim. He must therefore abstract from all the evident inequalities in men's gifts and achievements, but he can find no firmer ground for this abstraction than that it is what he wants, that it is required for his "original position" to work. But it is a long way from the rights of nature to

the rights of the original position. The latter rights are hardly likely to inspire awe in anyone who believes himself to be superior. The contract theorists consciously lowered man's sights and his view of himself in order to make equality plausible and found a common interest. It is not in a situation of neutral "reflective equilibrium" that man chooses civil society, but in the grip of powerful natural passions which control and direct his reason and reduce him, willy-nilly, to the level of all other men. Rawls does not want to follow these theorists in this respect, although he wants to have all the advantages he sees in their teachings. The state-of-nature teachings are connected with a denial of the nobility of man and thereby of the nobility, if not the utility, of morality, and their authors were aware of this. Rawls does not wish to stoop low enough to benefit from their solidity, but what he adopts from them prevents him from soaring to the moral heights to which he aspires.

As opposed to the contract theorists who taught that the strongest thing in man is his desire to avoid death and who took their bearings by that negative pole, Rawls insists on the positive goal of happiness. The contract theorists took the tack they did because they denied that there was a highest good and hence that there could be knowledge of happiness; there are only apparent goods, and what happiness is shifts with desire. Men have always disagreed about the good; indeed, this

has been a source of their quarrels, particularly in matters of religion. The contract theorists tried to show that this factual disagreement reflects a theoretical impossibility of agreement. Out of this bleak situation which seems to make political philosophy impossible, they drew their hope. If the importance of all particular visions of the good can be depreciated, while all men can agree on the bad and their inclinations support its avoidance, then solid foundations can be achieved. But it has to be emphasized that a precondition of this result is the diminishing of men's attachment to their vision of happiness in favor of mere life and the pursuit of the means of maintaining life. Rawls, while joining the modern natural-right thinkers in abandoning the attempt to establish a single, objective standard of the good valid for all men, and in admitting a countless variety of equally worthy and potentially conflicting life plans or visions of happiness, still contends, as did the pre-modern natural-right thinkers, that the goal of society is to promote happiness. Thus he is unable to find consensus on knowledge of the good, as did the ancients, or on agreement about the bad, as did the moderns. He is able to tell us only that society cannot exist without a consensus, but he does not give any motive for abiding by that consensus to the man who is willing to risk the breakdown of actual society in order to achieve his ideal society—which is what any man who loves the good must do. Only the “veil of ignorance” in the “original position” makes consensus possible; but once the scales fall from a man's eyes, he may very well find that his life plan does not accord with liberal democracy. Rawls asks that only those life plans that can coexist be accepted, but he is not sufficiently aware of how far this demand goes and how many life plans must be rejected on this ground—and all for the sake of a peace the value of which is unproved.

THE GOODNESS OF THE “PRIMARY GOODS”

Because Rawls does not take seriously the possible conflict of important values, because he really presupposes the existence of the consensus he believes he is setting out to establish, because he would prefer to simplify the human problem and narrow our alternatives rather than face fundamental conflicts requiring philosophic reflection, Rawls does not see that the contract theorists could not be satisfied with rejecting some views of the good as merely incompatible with the contract but had to find grounds for showing that they are untrue. Their understanding of nature was requisite to their political teaching, for opposing doctrines to which men were passionately committed denied the authoritative status of the civil law and the contract from which ‘it stems, as well as the value of the life the contract is intended to protect. Rawls speaks condescendingly of Rousseau's assertion that men who think their neighbors are damned cannot live in peace with them. We know better than Rousseau; our experience shows that pluralism of religious belief works just fine. We need not worry, for only a few fanatics who, constitute a clear and present danger need be restrained. But Rawls does not know what faith is. He looks at the believers around us, not

knowing that religion has been utterly transformed, partly as a direct result of the criticism of the contract theorists, partly as a result of the liberal society of which they were the inspirers. The kind of men who fought the wars of religion could not be asked to give up their quest for salvation for a peace they despised; they had to be made to disappear. Either they were wrong in their beliefs, or their actions were justified.

The state of nature was intended as a substitute for the biblical account of the origin of man and society, a rational account in place of the one provided by revelation. Its theorists had no objection to a tepid faith, one that would not lead men to challenge civil authority.

But in order to achieve this result the meaning of faith had to be drastically revised. Rawls, looking at the believers of our day in America, whose religious views are the fruit of Enlightenment thought, assures us that faith is no threat to the social contract and that Locke and Rousseau were needlessly intolerant. Thus he profits from their labors without having to take on their disagreeable responsibilities. Hobbes, Locke, Rousseau knew that their teaching could not be maintained if biblical revelation were true and that there was no way to avoid confronting it directly. Rawls, counting on men's having weak beliefs, simply ignores the challenge to his teaching posed by the claims of religion.

This becomes clear in Rawls's discussion of what he calls the primary goods. The notion "primary good" plays the same role in Rawls's teaching as does "power" in Hobbes's, and Rawls's list of primary goods is similar to Hobbes's list of powers. But for Hobbes powers are not simply neutral. They depend on ends, and there are some ends or life plans for which all the listed primary goods would be evils. What is wealth for him who believes that it is easier for a camel to go through the eye of a needle than for a rich man to enter into the kingdom of heaven? What is health for him who believes with Pascal that sickness is the true state of the Christian? And how does the sense of one's own worth, rather than humility, accord with the man who believes he is a sinner? To treat these things as goods is equivalent to denying that view of things in which they are the opposite.

And Hobbes does deny the validity of the opinions which are incompatible with the powers on his list. Rawls avoids denying such opinions by not paying attention to them. He only takes seriously opinions which fit the society he proposes. For example, the possibility of revelation was a question which occupied much of the best energies of Hobbes, Locke, Rousseau, and Kant. It is quite evidently not a question that bothers Rawls very much. At the very least, Hobbes must argue for the preeminence of this life and deny that happiness in this life can be achieved or maintained without these powers. A comprehensive reflection about the nature of things is implied in this list of powers. Hobbes argued that we cannot know what will make us happy (although we must know what will not and cannot make us happy) but that we can know the means to the satisfaction of

desire. It follows, therefore, that we should pursue those means, we should seek power. And thus it also follows that, consequent to the depreciation of the ends, power in a way itself becomes the end. The low tone, the philistinism, the concentration on preservation and wealth in Hobbes is a result of the primacy of power in his teaching. The popular criticism of the bourgeois is really the criticism of Hobbes's man. But that tone follows inevitably if the great and noble ends are merely insubstantial opinions whereas health and wealth are the stuff of being. Moreover, in the establishment of public policy, one inevitably concentrates on what is real and what the citizens have in common. It is by way of Hobbes and of Locke—who follows Hobbes in this respect—that economics comes to the center of politics, where it remains for Rawls.

Rawls's acquiescence in the emancipation of the means from the ends makes him an unwilling collaborator in Hobbes's moral revolution. He would undoubtedly protest that his interest is men's happiness, but he has little to tell us about it. When it comes to the primary goods, however, he has much to say. His political proposals are nothing but a means for their distribution. This means that his society promotes the kinds of happiness dependent on his primary goods. Or, put another way, the purposes of his government are alien to those emphasized in classical political philosophy or biblical revelation. Government, instead of making men good and doers of noble deeds, as Aristotle would have it, has as its goal providing what Aristotle would call equipment or external goods. And the ends of government almost inevitably determine the characters of men. The beginning point of Rawls or rather Hobbes-Locke fixes the outcome. His democratic man hardly resembles the classical object of admiration: Socrates, who was born in poverty and lived in poverty but was the happiest man of his time. Even the way Rawls treats his own addition to Hobbes's scheme, the sense of one's own worth, partakes of this mode. The sense of one's own worth, he reiterates time and again, depends very much on the esteem of others. Socrates required only his own testimony, but Rawls's man cannot withstand unfavorable public opinion. Rawls tries to provide him with esteem no matter what his life plan may be; Rawls's man is in every way dependent, "other-directed." Hobbes determined the worth of a man on the basis of others' consideration of him; as he put it, in his direct and vigorous way, a man's worth is his price. Rawls differs from him only by engaging in price fixing.

QUALITY VERSUS EQUALITY

Rawls, because he substitutes the equal right to happiness for the equal right to life, must equalize not only the conventional primary goods like money but also the natural ones. This latter is harder to envisage (apart from the salutary work of geneticists who, Rawls believes, might one day improve all our progeny). One thinks of Herodotus' account of the Babylonian law by which all the

marriageable girls were auctioned off; the beautiful ones brought high prices from the rich and voluptuous men; the city used the money so derived to provide dowries for the ugly girls, thus making the naturally unattractive attractive. Nature's injustice to the unendowed is what the thoroughgoing egalitarian must rectify. The redistribution of wealth is hardly sufficient, for, as we all know, the most important things are those "that money can't buy." The ugly girls will surely be grateful. And the beautiful ones, who are forced to sacrifice the satisfaction for which they are equipped to the greater number whom nature has endowed less generously but whose dreams are of similar stuff, will not be discontented, for when the veil of ignorance still covered their nakedness in the original position, they had no idea that they would be beautiful. Rawls is not in agreement with Aristophanes who, in the *Assembly of Women*, indicates that, when the law compels the beautiful to be at the command of the majority, not only does tyranny result but eros rebels. The original position works miracles, in the precise sense of the word, for it stops the course of nature.

This leads to the further questions of the relation of quality to equality, a question which Rawls treats only obliquely. Although the desire of the least advantaged persons remains decisive, Rawls assures us that the less fortunate have no interest in policies which would reduce the talents of the more fortunate. Not only does he fail to offer us proof of this assertion, he does not seem to be aware of the possibility that the majority, with all the goodwill in the world, might not appreciate what the higher talents or activities are and hence might not be willing to allocate scarce resources to them or set up the "structures" necessary to encourage them. Leveling does not seem to be a serious danger to him. One might suspect that he does not address himself to the problem of the great man for fear that it would under mine the persuasiveness of his argument that his version of civil society can reconcile all legitimate interests. Aristotle, for example, did address this problem and concluded that republican cities would either have to ostracize the great man or renounce their non-monarchic regimes and make him their ruler. Both alternatives are unsatisfactory, but Aristotle presents them because the nature of political things forces him to it. Rawls suppresses the conflict. But the suspicion that he avoids it in order to make his case stronger is probably unfair to him. It is rather that he does not see it. If "life plans" are merely a matter of preference and are in principle equal, then the distinction between the great man and the common one disappears. If everyone is to have an equal sense of his own worth, superiority must not exist. The habit of such beliefs has, I fear, the effect of making a man incapable of distinguishing the great from the mediocre. The very distinction is seen as the result of injustice and snobbishness.

In Rawls one finds none of the concerns which preoccupy Tocqueville, who, although a democrat convinced of the justice of the principle of equality, argued that intellectual and moral superiority would not find fertile soil in modern society. Hard choices had to be made, according to

Tocqueville; it was essential for democrats to be aware of the fact so that they might attempt to mitigate the loss. Similarly, although Rawls admires John Stuart Mill, one would never know from Rawls's account of him that the primary intention of *On Liberty* was to protect the minority of superior men from the tyranny of the majority, that Mill believed mankind was threatened by universal mediocrity. For Rawls, as for most Americans who speak of it, the tyranny of the majority is a threat only to the disadvantaged. One can only hope that the problem posed by Tocqueville and Mill has not been solved by the loss of the capacity to recognize the great and the beautiful—or by the very disappearance of the great and beautiful themselves.

But Rawls's treatment of Nietzsche does not provide much foundation for this hope. He takes it that Nietzsche has a subjective "value" preference for men like Goethe and Socrates and wishes to impose it on the majority who are not like Goethe and Socrates. Rawls's reading appears to be slight and uninformed. He does not see that Nietzsche really addresses the questions which Rawls from his own point of view has to address: how one creates a "life plan" or horizon when there is no objective good, or, what is the same thing, how values are created (Nietzsche was the first to use "value" in the modern sense; Rawls unawares adopts Nietzsche's invention); what the self is, if one believes as does Rawls, that there is a "self" and that it is productive of values rather than determined by them; how philosophy is possible, if human thought is historical. Rawls discusses only the preconditions for making life plans and value creation, not the ways in which they are actually made. Nietzsche teaches that only a certain kind of man is capable of creativity, by which he does not primarily mean the writing of poems or the painting of pictures, but the production of values by which man can live. He wants the very thing Rawls claims to want—a variety of rich and satisfying "life plans"—but he has thought through how one gets them and has some inner experience of what they are.

Let us, however, assume that Rawls is right and that Nietzsche has a mere preference for "culture" in the current watered-down sense of the word. Surely it would nonetheless be distressing if there were to be no more Goethes or Socrateses. One would have to reflect on the conditions for their existence and try to determine whether they coincide at all with the conditions for Rawls's society. But, although Rawls seems to take it for granted that such men will be present, his teaching holds that it makes no difference whether they are or not, for pushpin is as good as poetry—unless one or the other appeals more to the least advantaged. All talents are but resources for the greatest happiness of all and get their price in today's happiness market. Any how, Rawls has a solution, for he has established an exchange branch of government which distributes resources for the public benefit. Nietzsche can go to it and make an application for a study grant. To characterize this

solution to the problem of greatness in democratic society one would need the talents of a great satirist.

THE MISUSE OF KANT

To complete his reincarnation of contract teachings, Rawls attempts to lend his “original position” the glow of Kantian moral nobility. As always, he reads older philosophies only for support for his own much narrower thought. He picks and chooses, never really caught up in the necessity of their arguments, sure that he looks down on them from a higher plateau. Rawls not only does not accept the truth of the *Critique of Pure Reason* and the *Critique of Practical Reason*, which is the precondition of establishing the possibility of a realm of freedom, and which is presupposed in Kant’s moral writings. More important, he does not understand what Kant means by morality. Morality must be chosen for its own sake; it must be a good, or rather the highest good; the goodwill is the only unconditional good. There must be an interest in morality just as there is an interest in money or in food and one which has primacy over all other interests. Rawls has done nothing to establish such an interest. Surely it is not interest in morality that motivates men in the original position, whose goal is to enjoy as much happiness as possible. If happiness, however conceived, is the end, then morality is a means to that end, good instrumentally rather than in itself. Happiness, to use Kant’s language, is a *heteronomous* rather than an autonomous motive for obedience to the moral law.

Kant’s morality is not that of the social contract, for the social contract teachings are all heteronomous. Morality in them is only a tool constructed by men for the fulfillment of prior, non-moral, natural ends. Part of Kant’s political teaching is indeed hypothetically contractarian, but there is a problematic relation between his political and moral teachings. Morality and civil society are linked by a philosophy of history which is itself problematic for Kant. The three moral postulates—God, freedom, and immortality—are necessary supplements to morality, without which it would be overwhelmed by politics and history. Morality does not look to consequences, for that would make it contingent. Social benefit is Rawls’s goal, whereas morality in Kant’s view need not be helpful in the establishment of a just society or in making a man happy. Kant says, consistently with his principles, that a moral man must never break a law. Rawls preaches the legitimacy of civil disobedience and conscientious objection. The preservation of his life must not, for Kant, be any consideration for a moral man, nor should his conduct be affected by the actual state of affairs. Rawls makes it clear that heroic sacrifices are not a necessary component of his social man and that prudential modifications of principle are legitimate and desirable.

Rawls’s fuzziness about morality is summed up in his denigration of the primary importance of generality or universality in Kant’s thought. For him the essential element of Kant’s moral

teaching is autonomy, i.e., the combination of freedom and rationality. But Rawls fails to see that what Kant means by freedom and rationality is universality. A man is autonomous if he is able to act according to laws derived by universalizing the maxims of his action; one is both free and rational when one so universalizes. In order to act freely a man must obey the law he has made for himself, without being compelled by other men or by particular circumstances or by nature. Acting according to his own desires is not freedom, for he does not make those desires; they are given. A man may desire to tell a lie, but he can immediately see that lying cannot be accepted as a rule of conduct for all men. If he is able to obey the rule possible for all men in opposition to his particular desire, and if he is not motivated by future gain or by fear of punishment, ridicule, bad reputation, or anything other than a respect for the universal principle, then he can be said to act freely, independent of the contingent and conditioned; otherwise he is the slave of man, institutions, or nature. He is free because the principle is arrived at by the examination of the meaning of his own desire. And he is free in a higher sense by virtue of his capacity to overcome his own desire for the sake of the universalized principle based on it. This proves his capacity to act for the sake of morality alone.

Rawls's men in the original position act in terms of individual desire; they are deprived only of the knowledge of their particular circumstances, so that they will choose those rules which will be most useful for satisfying whatever desires they may turn out to have. For Kant, the moral man acts with full awareness of his particular circumstances and chooses to obey the universal rule in spite of them. Particular desire and universal law are only coincidentally harmonious, so that the man who always acts according to the law shows that he is free. And in acting freely, a man is also acting rationally, for universalization is the activity of unconditioned reason, and universality is the form of reason and of any rational law, political, moral, or natural. The calculation of a man seeking to satisfy his passions (or to set up principles in the "original position") is only an instrumental use of reason to attain ends which reason played no role in establishing. But if his end is not the substantive intention of his action but the universalizability of the maxim governing his action, he is dedicated to reason simply, to non-contradiction. Kant's categorical imperative is the imperative of universality, and it comprises both freedom and rationality. Therefore, a true Kantian interpretation of Rawls's man in the original position is that he is neither free nor rational.

Rawls's denial of the crucial significance of generalization is most revealing about the character of his enterprise. Rousseau, while accepting the view of nature contained in the state-of-nature teachings, insisted that the natural inclinations cannot provide a basis for a decent community or for anything but mercenary morals. Nature provides preservation, low selfishness, as a common ground. Natural freedom is to act according to one's inclinations without concern for

others. If there is to be concern for others, another and higher common ground must be found. Rousseau found that ground in the will to generalize one's desires, to think of oneself as a citizen and not as a man (although the motivation for doing so remains the natural desire for preservation). When men think generally, they are at one. Hobbes and Locke brought men together as passengers on a ship whose interests are private but who all equally have the desire to keep the ship afloat. Rousseau, and Kant following him, bring them together by giving them the same interests. This is obviously a profounder and more certain harmony, but it goes against nature; this moral freedom requires what Rousseau calls the denaturing of man. This denaturing is effected by a severe morality, which is established in the name of freedom but requires the overcoming of natural inclination. The natural man and the citizen are at opposite poles. Generalizing is itself easy; the will to generalize is difficult to attain, because it requires indifference to one's own happiness.

Rawls to the contrary, Kant is an austere moralist, because he recognizes the demands of morality. A choice must be made between natural satisfaction and moral action, between the private and the public, between the particular and the universal. These tensions make it impossible for man ever to be simply whole. Sentiments of justice are as much inclinations as are sentiments of selfishness and have no higher status. Rawls does not like such choices; he does not like restricting inclination. The struggle of self-overcoming is not at home in his relaxed society. In sum, his thought has nothing to do with that of Kant, for whom, at most, the moral man can hope for happiness and the coming to be of a just society, but cannot alter his conduct to realize these ends. To repeat, Rawls's teaching is only utilitarianism made contemporary, and utilitarianism is in its turn a modification and simplification of the teachings of Hobbes and Locke. That tradition was not influenced by the moral criticism of Rousseau and Kant. Its concentration was and is on the satisfaction of particular desire. Rawls's teaching is almost entirely of that tradition. The goal of his society cannot by any stretch of the imagination be taken to be Rousseau's citizen or Kant's moral man. His refusal to think about nature makes it easy for him to confound natural and moral freedom, as well as the two alternative and opposed grounds of community in modern thought. There is no halfway house between Hobbes and Kant; and Rawls's Kantian interpretation of the "original position" does nothing but lend it a spurious moral dignity.

REASON AND THE GOOD

Limitation of space makes it impossible to discuss the institutional castles Rawls builds on the sands of his original position. These amount to a restatement of American constitutional arrangements, reinterpreted to include the imperatives of the welfare state. Whether the more detailed practical consequences he arrives at actually follow from his premises is more than

questionable. He constantly returns to our common wishes and familiar experiences to make his undemonstrated conclusions appear convincing. He is persuasive because he supports familiar contemporary beliefs, not because he provides rational grounds for them.

We must, however, turn to the last and most intriguing part of the book. It is here that Rawls promises to show that there is a rational way of determining what is good for us and that the practice of justice will make us happy. For all its apparatus, the first part of *A Theory of Justice* really only tells us the obvious: society needs rules, and it will only survive if most men in a society obey those rules. Rawls has not, up to this point, succeeded in showing in any convincing way that the individual interest and the public interest are identical. Consequently, he feels constrained to go back to the oldest question in political philosophy, the one posed to Socrates by Glaucon and Adeimantus in the *Republic*: “Is the just man the happy man?” The answer must be yes if the law is to be compelling for a man who seeks happiness. Only by abandoning happiness as the goal could Kant avoid answering this question. Rawls, despite his Kantian pretensions, is, in Kantian language, a *eudaimonist* and tries to approach the old theme in the new mode. The difficulty is great, for his liberalism keeps him from excluding any preferences; his egalitarianism keeps him from saying that some goods are more reasonable or of a higher order than others; and his method keeps him from talking about the true nature of things. But he must make the attempt if he is to avoid relativism and nihilism.

If there is to be political philosophy, reason must be capable of guiding our fundamental political actions. Now Hobbes, Locke, and Rousseau argued that the fundamental human fact is the desire for self-preservation. Reason cannot establish the reasonableness of that passion or talk men out of it. Reason does not establish the end. But it can find the means to the end. Reason is crucial but only instrumental. Community is established by the fact that for all men this passion supplies the most important motive. Reason cannot establish its reasonableness, but it can establish the unreasonableness of views of the good which contradict it. This is sufficient for the possibility of a political philosophy. But the society founded on that philosophy is limited to the ends which passion provides to it. Rawls, who wants society to do much more than is legitimated by the contract teachings, wants reason to give what the passions refuse. In this section he engages in an endeavor more characteristic of ancient philosophy which taught that reason can establish the ends as well as the means. It is, therefore, not surprising that here he invokes the name not of Kant but of Aristotle.

The last part is entitled *Ends*, and it contains three subsections: *Goodness as Rationality*, *The Sense of Justice*, and *The Good of Justice*. Rawls’s strategy is first to show that reason is sufficient to determine ends, then to describe the sense of justice in us, and finally to show that the society

which embodies the principles implicit in the sense of justice and allows that sense its activity would be chosen by reason as good, as the end. His stated purpose is to show that collective activity is good; actually he wishes to show that collective activity is the highest, the unconditional good.

Rawls's discussion of goodness as rationality immediately disappoints the expectations aroused by his title. He does not even show that it is good to be rational. That is finally left up to the decision of each individual. What he thinks he shows is that reason can be of use in establishing a "life plan"—if one wants to have a rational life plan. Furthermore, a rational life plan is not rational in the sense that the ultimate goals are established by reason, but only in the sense that reason has played some role in the formulation of the plan. Desires, tastes, preferences, values, what have you, are the ultimate determining factors in a life plan, and Rawls does not tell us where they come from. He apparently believes that, without determining the desires by reason, he can develop rules which will limit or constrain the indeterminacy of desire sufficiently to make a community possible. The bait which will draw men to the acceptance of these rules is the promise that they will be happier if they follow them.

Happiness, according to Rawls, is the purely subjective contentment accompanying success in the fulfilling of one's plans and the expectation that the success will continue. Instrumental reason can, of course, help to insure the means of fulfillment, but the only way reason, in Rawls's presentation, could call into question a life plan is by showing that it cannot succeed. Success becomes the real criterion. If you have safe life plans, you are likely to be happy, if happiness is only contentment.

Rawls tells us that "For Royce an individual says who he is by describing his purposes and causes, what he intends to do in his life. If this plan is rational, then I shall say that the person's conception of his good is likewise rational" (p.408). He then proceeds, through tortuous argumentation, to set down the rules for determining the rationality of a plan. The means for it must be available. Its success must be likely. It must be compared with other possible life plans. The intensity of desires must also be considered. It must include as many desirable ends as possible. Its compatibility with the plans of others must be considered. The probability of its continuity must be evaluated. And then. . . we have to decide. That decision is a leap, and there is no reason to believe that the abyss that must be leapt over has been narrowed by this machinery of "deliberative rationality" that Rawls provides. He talks about the rationality in life's decisions, but his discussion underscores their essential irrationality. A rational man would be reduced to nihilistic despair or irrational commitment. Only a man irrationally attached to safety and contentment could remain satisfied with such a solution, for safety and contentment are merely "values" like any others. It is a laudable thing to wish to advance the cause of reason, but to do so one must have an understanding

of the world such that reason can play an important role in it. Rawls devotes no discussion to what emerges, albeit unconsciously, as the most important component of happiness—the irrational formation of ends or values.

But let us listen to Rawls in his final statement on the matter: “But how in general is it possible to choose among plans rationally? What procedure can an individual follow when faced with this sort of decision? I now want to return to this question. Previously I said that a rational plan is one that would be chosen with deliberative rationality from among the class of plans all of which satisfy the principles of rational choice and stand up to certain forms of critical reflection. We eventually reach a point, though, where we just have to decide which plan we most prefer without further guidance from principle (p. 64). There is, however, one device of deliberation that I have not yet mentioned, and this is to analyze our aims. That is, we can try to find a more detailed or more illuminating description of the object of our desires hoping that a fuller or deeper characterization of what we want discloses that an inclusive plan exists after all.” The only rational way out is to combine all competing charms. One can frequently have one’s cake and eat it.

Rawls continues, “Let us consider again the example of planning a holiday (p. 63). . . . Often, however, a finer description fails to be decisive. If we want to see both the most famous church in Christendom [Rome] and the most famous museum [Paris] we may be stuck. . . .” (p. 551), And so we are. This eloquent summation of the human condition also summarizes Rawls’s thought. Its ridiculousness quenches indignation. How could a man who is telling us how to live turn to the example of a holiday when discussing the most important question of all? Why not reason versus revelation, love versus duty to one’s country, life versus dedication to the truth? Can one wonder that a generation has turned away from reason when this is the level of its most eminent representatives, when this is the sort of guidance it can get from them? Rawls speaks to men with the souls of tourists.

The reason for Rawls’s behavior is that this irrationality of ends is not a problem for him. He is convinced, as the weight of his book proves, that we know what is most important — society i.e., preservation. He is not tormented by these questions; they are matters of indifference. One can believe what one wants and do what one wants, so long as it does not get in the way of liberal democracy. His rational rules, such as possibility and inclusiveness, are fit only for that cramped little risk-fearing man in the original position. They determine the kinds of ends possible before those ends are even considered. Single-mindedness, dedication to the one most important thing, facing impossible odds, are now irrational. Rawls counts on an audience of men whose horizons have been so confined that the great dangers in the great decisions are no longer visible to them. He devotes no attention to those varied and rich expressions of individual nature which he promises

will flourish in his society. In order to do so he would have to water the irrational roots out of which values grow in his system. By being fed on reason they grow frail and colorless, for it is only the reason of utility. The kind of diversity he thinks of is that found in obscure but harmless religious sects or in obscure but harmless sexual practices. The kind of diversity which produces great actions, great art, or great new civilizations is out of his reach. He provides a soil which is not salubrious for the growth of a diversity that is worthy of the name. The solid thing is survival; in a world where the great value decisions are akin to the choice between vacationing in Paris or Rome, where they cannot change the fundamental character of civil society, there is no reason for difference. Man will be alike or will differ by their insignificant differences of preference or their insignificant perversities.

Rawls counterattacks. "Human good is heterogenous. Although to subordinate all our aims to one end does not strictly speaking violate the principles of rational choice . . . it still strikes us as irrational, or more likely as mad. The self is disfigured and put in the service of one of its ends for the sake of system" (p. 554). If we pursue contradictory ends, no matter. That is but the proof of our freedom. The principle of contradiction, the foundation of reason, strikes our philosopher as irrational, nay, mad. Such formulas provide us with a fine-sounding excuse for not thinking about the important questions. This rationalist makes a virtue out of unreason when it suits his purpose. The ship he has so painstakingly constructed sinks to the sound of his applause as it slides down the runway. He thinks it is afloat.

He adds that "the self is prior to the ends which are affirmed by it" (p.560), which means that the self creates the ends instead of being determined by them. It knows no masters, including reason, and it cannot be comprehended by reason. Professor Rawls owes us and himself a fuller account of the "self." A little study would teach him that this notion had its origin in thinkers who were friends of neither reason nor liberal democracy, and that it is manifestly inconsistent with his project.

THE MISUSE OF ARISTOTLE

Once having established the goodness of rationality, after his fashion, Rawls gives reason a new tool, for the judgment of the rationality of life plans—the "Aristotelian principle." This principle is invented to show that men want to use the capacities required and encouraged by Rawls's society, and that therefore we should rationally choose that society and its form of justice.

Kant was brought in to pronounce the benediction over a society grounded on selfishness. Now Aristotle, the central contention of whose moral and political teaching is that there is a highest good and who is according to Rawls therefore mad, is constrained to give his blessing to a notion of happiness founded on whatever a man believes to be the expression of his value. The Aristotelian

principle, which Rawls admits was not enunciated by Aristotle, but alleges to be in accord with Aristotle's intentions, holds that "other things equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized or the greater its complexity" (p. 426). Rawls cites *Nicomachean Ethics*, VII, 11—14, and X, 1—5, apparently unaware that Aristotle in these passages is showing that there is one highest activity which accords with human nature and which is productive of happiness. Far from praising inclusiveness and complexity, Aristotle attributes whatever need we have of them to the weakness of our nature, which we should try to overcome. He concludes in VII 14 that "God always enjoys a single and simple pleasure." Far from praising the interdependency of social life, Aristotle teaches that the only real pleasures are those that are self-sufficient, that are connected with eternal things, and that can in principle be enjoyed in solitude. In short, Aristotle teaches that philosophy is the only way of life that can properly be called happy. He arrives at this conclusion after examining all the claims to happiness and showing that all the others besides philosophy are without foundation and self-contradictory. The philosopher is not as such a social man; Aristotle never even says that the moral virtues, including justice, are necessary to the philosopher in order to philosophize.

It is true that Aristotle teaches that the activity of our faculties is what makes us happy. But he does not mean by faculties what Rawls means by capacities—"innate or trained abilities." Aristotle's faculties are natural components of our constitution like sight or intellect. They have a proper development and are exercised on appropriate objects. Men may possess and exercise these faculties in greater or lesser degree, but they are accordingly more or less men. There is a structure and a hierarchy of the faculties based on their contribution to happiness. Aristotle can tell us in quite detailed and concrete terms precisely in what happiness consists. But Rawls, for all that he may use the word "nature," means nothing by it. Whatever a man does express his capacities; whatever he believes himself to be, he is. Rawls believes that man has a self; Aristotle believes he has a soul. These terms are mutually exclusive. The self is self-determining; at best it is a mysterious and elusive source, infinite in its expressions. The soul has a nature, for it has an end which determines it and of which it is not the cause; but the self has no nature, it is protean. Rawls, in order to avoid being incapable of saying anything about ends emanating from the self, insists that a man must first deliberate and suggests that the more complex activity in any genre should be preferred (for example, chess over checkers). Rawls draws the inspiration for this suggestion, God knows how, from Aristotle. Rawls's criteria for the actualization of capacities are purely formal and external, not helping us to determine whether they are true or counterfeit expressions of a man's nature or to distinguish skillful safecracking from the making of beautiful statues. And, after all, Rawls tell us, the man who enjoys counting blades of grass may be fulfilling his nature, too. Aristotle might very

well agree, but he would insist that such a person, other things being equal, was an inferior man. This Rawls will never do. He will simply try to find a group of men who will support this man's sense of his own worth.

THE SENSE OF JUSTICE: NATURE OR INDOCTRINATION?

The Aristotelian principle enables us to reach the penultimate stage on our journey to the promised society. This is the elaboration of the sense of justice. It is one of those "capacities (innate or trained abilities)" the exercise of which human beings enjoy. The sense of justice is the condition of our being members of and maintaining a good society, and the good society will make us happy because it satisfies our sense of justice. The sense of justice is a psychological principle, and Rawls presents a three-stage history of its development. Once the sense of justice is developed, we have an unbreakable psychological need for and attachment to society. It becomes as much a part of our psychological constitution as any other sentiments. We are social because we possess the sense of justice. The ambiguity of Rawls's "innate or trained abilities" leaves us with an exquisite doubt as to whether the sense of justice is natural or only the result of habituation. However that may be, Rawls tells us that if this sense exists, and society meets its demands, the society will be stable. This leaves the further doubt whether the society is truly just or merely satisfies the sense of justice.

The three stages are, roughly, as follows: When we are children we obey out of love, trust, and respect for our parents. This is the morality of authority. It is childlike but is preserved in men like Thomas Aquinas or believers of any kind. The second stage is that of our youth. When we are attached to our group we see our good in it, and we are motivated by praise and blame. This, too, though useful, has its evident limitations. It is the morality of George Washington and patriots. Finally there is the morality based on rational adherence to principles, on the recognition that one's society is reasonable and fair, that it follows the imperatives of the "original position." It is the morality of adulthood and is practiced by Rawls and philosophers like him, as well as all members of the promised society. Rawls does not show us that these three moralities are harmonious or that the third achieves the synthesis of the first two. To do this, one would have to study regimes founded on reverence or piety and on loyalty, honor, or patriotism, compare them with those founded on reason, and determine the various advantages of each. It would require an achievement comparable to that of Hegel to show that the society founded on reason contains the political and moral advantages to be found in holy awe of the sacred or in selfless loyalty to friends and undying hatred of enemies. There is no reflection here on what really constitutes *rootedness*. Only after the completion of such an undertaking could one look down on these older principles as an adult looks down on a child. On the surface, it would appear that reason substitutes selfish, low, and sure

motivations for noble ones. Does this reason really perceive great goals beyond calculation of advantage? Rawls, as always, has no taste for examining alternatives.

But more important, Rawls has not proved either that adherence to the principles developed in the original position is rational or that reason can demonstrate the goodness of strict obedience to the laws of a society founded in accordance with these principles. In the absence of such proofs one can say only that the morality of principles does not rest on impulses, feelings, or instincts as do the other two kinds of morality and that it involves the use of reasoning—though it may culminate in rationalizations or ideologies rather than reasons. This three-stage doctrine of moral development looks suspiciously like what is today called political socialization, that is to say, a way of making men part of the group whether it is natural or good for them to be so or not. Rawls must prove that these stages are part of men's development in the same sense as is the formation of their organs, or risk acquiescing in a process of indoctrination for the sake of social goals. His abandonment of nature does not open new domains of human freedom so much as make way for the unlimited manipulation of man.

THE OMNIPOTENCE OF SOCIETY

And, now, at last, we are at the goal, "the idea of social union," the community that reason chooses and that makes us happy while unifying private and public interest. Not only is society necessary, not only does it give us satisfactions we would not have without it; it incorporates us so that we are parts of it. From the atoms of the state of nature Rawls has constructed a social organism in which we feel with the whole and are pleased or pained along with it. Socrates' extreme and ironic paradox is here presented deadpan. Nothing good is outside of society; nothing transcends it. We are wholly of it, but we do not even know what that society is like. It is very "Aristotelian"—i.e., very complex — so that everything that can be contained in man finds its expression, and we all enjoy it. It is based on a moral and intellectual division of labor which increases the quantity and the kinds of production for the enjoyment of all, without risk of the deformation wrought by narrow specialization or alienation of our labor. We get everything from society, and we owe it our total allegiance. If man had a nature, it would be social. We are always partial; only society can have all the perfections, but we possess them through it. We should not try to be self-sufficient, but should accept our weakness, join the team and play fairly, recognizing that everyone makes an equal contribution to the collective result. The man who is not sociable is radically imperfect and has a deficient life. He is the only man Rawls is not willing to treat as an equal. For Aristotle the man who does not belong to civil society is either a beast or a god. For Rawls he is only a beast. For Rousseau, the solitary is the only good man. For Rawls he is the only bad one. All the ambiguity of social life disappears.

Rawls has accomplished the complete socialization of man by beginning from the weakest and most vulnerable individual and envisaging a social arrangement which will protect him in his weakness, guarantee his subsistence, allow him to pursue and fulfill his wishes and plans, and give him the same sense of his worth that the rich, successful, and honored individual has. Going far beyond the more modest goals and hopes of earlier thought, Rawls proposes to make it the purpose of society to fulfill men, to make men happy, accepting as happiness what each believes happiness to be and providing each with what Rawls takes to be the universal elements of happiness no matter what its form. Since neither God nor nature fulfills any such plan and might even be viewed as opposing it, society must take on the whole burden of providing and distributing the elements of happiness; and the disadvantaged person recognizes that it is only society that considers his interests and battles a hostile nature and chance for his sake. Society exists for him, but he, in the most decisive sense, is its creature.

It is easy to win the allegiance of the disadvantaged to this scheme, just as it is not difficult to obtain the participation of the poor in a plan for sharing the wealth. The real problem is the stronger or the more advantaged, for they might be willing to take their risk in a less equal arrangement or even try to be substantially self-sufficient. Thus Rawls's book is in large measure a polemic against them. He socializes them by persuading them that they too are weak; by confounding natural with social inequality; by denying that there can be self-sufficiency; by habituation and the inculcation of shame and guilt; by obliterating alternatives; and above all by endless sermonizing. The harmony between the advantaged and the disadvantaged is not natural and is brought into being by a suppression of nature. The rough edges, the fundamental conflicts, always present in earlier practice and theory, can, therefore, be understood by Rawls to be the results of mere perversity. Since man has no fixed nature, social planning, *even the use of genetics*, can ultimately smooth all of this away. Rawls's original perspective from the point of view of the disadvantaged makes other considerations vanish. The consequence is a closing of the exit from the cave. There is no way out and no hiding place. "In justice as fairness men agree to share one another's fate" (p. 102).

What Rawls creates is an enormously active government whose goal is to provide the primary goods, including the sense of one's own worth, and therefore to encourage the attitudes that support the production and equal distribution of those goods. What can the future of liberty be in such a scheme? Liberty is, to be sure, Rawls's first principle of justice, but it is qualified by having to be "compatible with a similar liberty for others." Rawls does not elaborate the extent of that qualification. There is, to repeat, no natural-right teaching in Rawls, no absolute limit of any kind. All freely chosen life plans must be restricted by the fundamental demands of social union. Conflict

will be resolved practically and theoretically in favor of society. We have only Rawls's assurance that nothing important can fail to find acceptance within the terms set by the original position. Man's plasticity, made even greater by the absence of nature and its limits, permits all those little adjustments in men which will make the idea of social union possible. Society is the one absolute in Rawls's thought, although it is without foundation.

And what is the purpose of all of this? An artificial happiness of an artificial man. Rawls's promised society is a desert. It feeds on false tales—stories about its being the final product of evolution and history, stories that make unequal things appear to be equal. Democracy, which was to free us from the myths which perverted nature, becomes the platform for a strident propaganda that denies nature for the sake of equality, as the myths of conventional aristocracies denied nature for the sake of inequality. The community desired is one without tension, without guilt (except for those who do not go along), without longing, without great sacrifices or great risks, one made for men's idle wishes and for the sake of which man has been remade. The language of maximum liberty, diversity, and realization of capacities is so much empty talk, the only function of which is to support our easygoing self-satisfaction.

CONCLUSION

The greatest weakness of *A Theory of Justice* is not to be found in the principles it proposes, or in the kind of society it envisages, or in the political tendencies it encourages, but in the lack of education it reveals. Rawls's "original position" is based on a misunderstanding of the state-of-nature teachings of Hobbes, Locke, and Rousseau. His "Kantian interpretation" is based on a misunderstanding of Kant's moral teaching. His "Aristotelian principle" is based on a misunderstanding of Aristotle's teaching about happiness. And these three misunderstandings constitute the core of the book. An authentic understanding of these thinkers would have given him an awareness of the problems he faced and of the nature of philosophic greatness. We are in no position to push ahead with new solutions of problems; for as this book demonstrates, we have forgotten what the problems are.

The most essential of our freedoms, as men and as liberal democrats, the freedom of our minds, consists in the consciousness of the fundamental alternatives. The preservation of that consciousness is as important as any new scheme for society. The alternatives are contained in the writings of the greatest men in the philosophic tradition. This is not to assert that the last word has been said, but that any serious new word must be based on a profound confrontation with the old ones. That confrontation has the added salutary effect of destroying our sense of our own worth and giving us higher aspirations. Rawls is the product of a school which thinks that it invented philosophy. Its adherents never approach an Aristotle or a Kant in search of the truth or open to the

possibility that these old thinkers might have known more than they do; and since they have a virtual monopoly on the teaching of philosophy, there has been a disastrous, perhaps irreparable, loss of learning and extinguishing of the light which has flickered but endured across so many centuries. His book is a result of that loss of learning and contributes to it in turn. His method and the man he wishes to produce impel me to think that Nietzsche—abused by Rawls, although not culpably because ignorantly—might provide a more appropriate title for this book: *A First Philosophy for the Last Man*.